

rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

**DATES:** Comments must be received in writing by December 12, 2002.

**ADDRESSES:** Written comments should be mailed to David L. Arnold, Chief, Air Quality Planning and Information Services Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, 1301 Constitution Avenue, NW., Room B108, Washington, DC 20460; and Pennsylvania Department of Environmental Protection, Bureau of Air Quality, PO Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

**FOR FURTHER INFORMATION CONTACT:** Catherine L. Magliocchetti, (215) 814-2174, or by e-mail at [magliocchetti.catherine@epa.gov](mailto:magliocchetti.catherine@epa.gov).

**SUPPLEMENTARY INFORMATION:** For further information, please see the information provided in the direct final action, with the same title, that is located in the "Rules and Regulations" section of this **Federal Register** publication.

Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this redesignation request, maintenance plan and emissions inventory for the CO nonattainment area in southwestern Pennsylvania, and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

Dated: October 17, 2002.

**Thomas C. Voltaggio,**

*Acting Regional Administrator, Region III.*  
[FR Doc. 02-28496 Filed 11-8-02; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 61

[FRL-7405-5]

RIN 2060-AJ87

### National Emission Standard for Benzene Waste Operations

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule; amendments.

**SUMMARY:** We are proposing to amend the national emission standards for hazardous air pollutants (NESHAP) for benzene waste operations, promulgated on March 7, 1990 (55 FR 8346), under the authority of section 112 of the Clean Air Act (CAA). The amendments add an exemption for organic vapors routed to the fuel gas system and a new compliance option for tanks, and clarify the standards for containers.

In the Rules and Regulations section of this **Federal Register**, we are taking direct final action on the proposed amendments because we view this action as noncontroversial, and anticipate no adverse comment. We have explained our reasons for the amendments in the preamble to the direct final rule.

If we receive no adverse comment, we will take no further action on the proposed amendments. If we receive adverse comment, we will withdraw the direct final amendments and they will not take effect.

**DATES:** *Comments.* We must receive comments by December 12, 2002, unless a hearing is requested by November 22, 2002.

*Public Hearing.* If anyone contacts us requesting to speak at a public hearing by November 22, 2002, a public hearing will be held on November 27, 2002.

**ADDRESSES:** *Comments.* By U.S. Postal Service, send comments (in duplicate, if possible) to: Air and Radiation Docket and Information Center (6102T), Attention Docket No. A-2001-23, U.S. EPA, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. In person or by courier, deliver comments (in duplicate, if possible) to: Air and Radiation Docket and Information Center (6102T), Attention Docket No. A-2001-23, Room B-108, U.S. EPA, 1301 Constitution Avenue, NW., Washington, DC 20460. We request a separate copy of each public comment be sent to the contact person listed below (see **FOR FURTHER INFORMATION CONTACT**).

*Public Hearing.* If a public hearing is held, it will begin at 10 a.m. and will be held at the U.S. EPA new facility

complex in Research Triangle Park, North Carolina, or an alternative site nearby. You should contact Ms. JoLynn Collins, U.S. EPA, Research Triangle Park, NC 27711, telephone (919) 541-5671 to request a public hearing, to request to speak at a public hearing, or to find out if a hearing will be held.

*Docket.* Docket No. A-2001-23 contains supporting information used in developing the proposed amendments. The docket is located at the U.S. EPA, 1301 Constitution Avenue, NW., Washington, DC 20460 in room B-108, and may be inspected from 8:30 a.m. to 5:30 p.m., Monday through Friday, excluding legal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert B. Lucas, Waste and Chemical Process Group, Emission Standards Division (C439-03), Office of Air Quality Planning and Standards, U.S. EPA, Research Triangle Park, North Carolina 27711, telephone number (919) 541-0884, electronic mail (e-mail), [lucas.bob@epa.gov](mailto:lucas.bob@epa.gov).

**SUPPLEMENTARY INFORMATION:** For information concerning applicability and rule determinations, contact the appropriate regional representative:

- U.S. EPA New England, Director, Air Compliance Programs, 1 Congress Street, Suite 1100 (SEA), Boston, MA 02114-2023. Phone contact: (617) 918-1656. FAX: (617) 918-1112.
- U.S. EPA—Region II, Air Compliance Branch, 290 Broadway, New York, NY 10007-1866. Phone (212) 637-3000. FAX: (212) 637-3526.
- U.S. EPA—Region III, Chief, Air Enforcement Branch (3AP12), 1650 Arch Street, Philadelphia, PA 19103-2029. Phone: (215) 814-3438. FAX: (215) 814-2134. Region III Office Website: [www.epa.gov/reg3artd/hazpollut/hazairpol.htm](http://www.epa.gov/reg3artd/hazpollut/hazairpol.htm).
- U.S. EPA—Region IV, Air and Radiation Technology Branch, Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, GA 30303-3104. Phone: (404) 562-9105. FAX: (404) 562-9095.
- U.S. EPA—Region V, Air Enforcement and Compliance Assurance Branch (AE17J), 77 West Jackson Boulevard, Chicago, IL 60604-3590. Phone: (312) 353-2088. FAX: (312) 353-8289.
- U.S. EPA—Region VI, Chief, Toxics Enforcement Section (EN-AT), 1445 Ross Avenue, Dallas, TX 75202-2733. Phone: (214) 665-7224. FAX: (214) 665-2146. Region VI Office Website: [www.epa.gov/region6](http://www.epa.gov/region6).
- Region VII, Bill Peterson, U.S. EPA, 726 Minnesota Avenue, Kansas City, KS 66101. Phone: (913) 551-7881. FAX: (913) 551-7467.
- U.S. EPA—Region VIII, MACT Enforcement, 999 18th Street, Suite

500, Denver, Colorado 80202. Phone: (303) 312-6312. FAX: 303-312-6409. U.S. EPA—Region IX, Air Division, 75 Hawthorne Street, San Francisco, CA 94105. Phone: (415) 744-1219. FAX: (415) 744-1076. U.S. EPA—Region X, Office of Air Quality (OAQ-107), 1200 Sixth Avenue, Seattle, Washington 98101. Phone: (206) 553-4273. FAX: (206) 553-0110.

If no relevant adverse comments are received on the proposed amendments, no further action will be taken on the proposed amendments, and the direct final rule in the Rules and Regulations section of today's **Federal Register** will automatically become effective on the date specified in the direct final rule. If relevant adverse comments are received on the proposed amendments, we will publish a withdrawal action before the effective date of the direct final amendments indicating which provisions are being withdrawn. If all or part of the direct final amendments are withdrawn, all public comments received will be addressed in a subsequent final action based on the proposed amendments. We will not institute a second comment period on the subsequent final action. Any parties interested in commenting must do so during this comment period.

For further supplemental information, the rationale, and the specific amendments being proposed, see the information provided in the direct final rule in the Rules and Regulations section of this **Federal Register**.

*Comments.* Comments and data may be submitted by e-mail to *a-and-r-*

*docket@epa.gov*. Electronic comments must be submitted as an ASCII file to avoid the use of special characters and encryption problems and will also be accepted on disks in WordPerfect® format. All comments and data submitted in electronic form must note the docket number: A-2001-23. No confidential business information (CBI) should be submitted by e-mail. Electronic comments may be filed online at many Federal Depository Libraries.

Commenters wishing to submit proprietary information for consideration must clearly distinguish such information from other comments and label it as CBI. Send submissions containing such proprietary information directly to the following address, and not to the public docket, to ensure that proprietary information is not inadvertently placed in the docket: Attention Mr. Robert Lucas, c/o OAQPS Document Control Officer (C404-02), U.S. EPA, 109 TW Alexander Drive, Research Triangle Park, NC 27711. The EPA will disclose information identified as CBI only to the extent allowed by the procedures set forth in 40 CFR part 2. If no claim of confidentiality accompanies a submission when it is received by EPA, the information may be made available without further notice to the commenter.

*Docket.* The docket is an organized and complete file of all the information considered by EPA in the development of the proposed amendments. The docket is a dynamic file because information is added throughout the rulemaking process. The docketing

system is intended to allow you to readily identify and locate documents so you can effectively participate in the rulemaking process. Along with the proposed and promulgated rules and their preambles, the contents of the docket will serve as the record in the case of judicial review. (See section 307(d)(7)(A) of the CAA.) The regulatory text and other materials related to the proposed amendments are available for review in the docket or copies may be mailed on request from the Air Docket by calling (202) 566-1742. We may charge a reasonable fee for copying docket materials.

You may also obtain docket indexes by facsimile as described on the Office of Air and Radiation, Docket and Information Center Website at <http://www.epa.gov/airprogram/oar/docket/faxlist.html>. *Worldwide Web (WWW).* In addition to being available in the docket, an electronic copy of the proposed amendments will also be available on the WWW. Following signature, a copy of the proposed amendments will be posted on the Technology Transfer Network (TTN) policy and guidance page for newly proposed or promulgated rules at <http://www.epa.gov/ttn/oarpg>. The TTN provides information and technology exchange in various areas of air pollution control. If more information regarding the TTN is needed, call the TTN HELP line at (919) 541-5384.

*Regulated Entities.* Categories and entities potentially regulated by this action include:

Category	SIC code	NAIC	Examples of regulated code entities
Industry .....	2800's .. 2911 .....	32512-325182 .....	Chemical manufacturing plants, petroleum refineries, coke by-product recovery plants, and commercial hazardous waste treatment, storage, and disposal facilities that manage waste generated by these industries.
	3312 .....	32411 .....	
	4925 .....	331111 .....	
	4953 .....	22121 .....	
	9511 .....	562211 .....	
		324110 .....	
Federal government .....	.....	.....	Not affected.
State/local/tribal government.	.....	.....	Not affected.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. To determine whether your facility is regulated by this action, you should examine the applicability criteria in 40 CFR 61.340 of the NESHAP for benzene waste operations. If you have any questions regarding the applicability of this action to a particular entity, consult the appropriate person listed in the

preceding **FOR FURTHER INFORMATION CONTACT** section.

**Administrative Requirements**

For a complete discussion of all of the administrative requirements applicable to this action, see the direct final rule in the Rules and Regulations section of the **Federal Register**.

**Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 et seq.**

The RFA generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a

substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

The EPA determined that it is not necessary to prepare a regulatory flexibility analysis for the proposed amendments. The EPA has also determined that the proposed amendments will not impose a significant impact on a substantial number of small entities. There are few small entities in the industries required to meet the NESHAP for benzene waste operations, and it is unlikely that the regulated facilities are owned by small entities (55 FR 8340, March 7, 1990). In addition, the standard contains a cutoff for applicability of control requirements for sources generating small quantities of benzene waste. Therefore, a substantial number of small entities are not regulated by the proposed amendments. In addition, none of the facilities (large or small) are expected to experience any increase in compliance costs as a result of the proposed amendments. Therefore, pursuant to the provisions of 5 U.S.C. 605(b), it has been determined that the proposed amendments will not have a significant economic impact on a substantial number of small entities.

#### List of Subject in 40 CFR Part 61

Environmental protection, Air pollution control, Recordkeeping and reporting requirements.

Dated: November 1, 2002.

**Christine Todd Whitman,**  
*Administrator.*

[FR Doc. 02-28500 Filed 11-8-02; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### 42 CFR Part 52a

RIN 0925-AA24

#### National Institutes of Health Center Grants

**AGENCY:** National Institutes of Health, Department of Health and Human Services.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The National Institutes of Health (NIH) is proposing to amend its regulations governing center grants to reflect their applicability to several new grant programs including, research on autism, Alzheimer's disease research, fragile X disease research, and minority health disparities research and other health disparities research.

**DATES:** Comments must be received on or before January 13, 2003, in order to ensure that NIH will be able to consider the comments in preparing the final rule.

**ADDRESSES:** Comments should be sent to Jerry Moore, NIH Regulations Officer, Office of Management Assessment, NIH, 6011 Executive Boulevard, Room 601, MSC 7669, Rockville, MD 20892. Comments may also be sent electronically by FAX (301-402-0169) or email [jm40z@nih.gov](mailto:jm40z@nih.gov).

**FOR FURTHER INFORMATION CONTACT:** Jerry Moore at the address above or telephone (301-496-4607, not a toll-free number).

**SUPPLEMENTARY INFORMATION:** On October 17, 2000, the United States Congress enacted the Children's Health Act of 2000 (Pub. L. 106-310). Section 101 of Public Law 106-310 amended the PHS Act by adding a new section 409C (42 U.S.C. 284g) concerning research on autism. Section 409C authorizes the Director of the National Institutes of Health, through the Director of the National Institute of Mental Health, to make awards of grants and contracts to public or nonprofit private entities to pay all or part of the costs of planning, establishing, improving, and providing basic operating support for centers of excellence regarding research on autism.

On November 13, 2002, the United States Congress enacted the Public Health Improvement Act (Pub. L. 106-505). Section 801 of Public Law 106-505 amended the PHS Act by adding a new section 445I (42 U.S.C. 285e-10a) concerning Alzheimer's clinical research and training awards. More specifically, section 445I authorizes the Director of the National Institute on Aging to establish and maintain a program to enhance and promote the translation of new scientific knowledge into clinical practice related to the diagnosis, care and treatment of individuals with Alzheimer's disease. Amounts made available under the program must be directed to the support of promising clinicians through awards for research, study, and practice at centers of excellence in Alzheimer's disease research and treatment in environments of demonstrated excellence in neuroscience, neurobiology, geriatric medicine, and psychiatry.

Additionally, section 201 of Public Law 106-310 amended the PHS Act by adding a new section 452E (42 U.S.C. 285g-9) concerning research on the disease known as fragile X. Section 201 authorizes the Director of the National Institute of Child Health and Human Development to make grants or enter into contracts for the development and

operation of centers to conduct research for the purposes of improving the diagnosis and treatment of, and finding the cure for, fragile X.

On November 22, 2000, the United States Congress enacted the Minority Health and Health Disparities Research and Education Act of 2000 (Pub. L. 106-525). Section 102 of Public Law 106-525 amended the PHS Act by adding a new section 485F (42 U.S.C. 287c-32) concerning centers for minority health and health disparities related-research, education and training. Section 485F authorizes the Director of the National Center on Minority Health and Health Disparities to make awards of grants or contracts to designated biomedical and behavioral research institutions or consortia for the purpose of assisting the institutions in supporting programs of excellence in biomedical and behavioral research training for individuals who are members of minority health disparity populations or other health disparity populations. The grants must be expended to train members of minority health disparity populations or other health disparity populations as professionals in the area of biomedical or behavioral research or both; or to expand, remodel, renovate, or alter existing research facilities or construct new research facilities for the purpose of conducting minority health disparities research and other health disparities research.

We propose to amend § 52a.1, § 52a.2, and § 52a.3 of the regulations governing NIH center grants to reflect these new authorities. Additionally, we are proposing to amend § 52a.8 to update the organizational reference for the Public Health Service Policy on Humane Care and Use of Laboratory Animals. We provide the following information for the public.

#### Executive Order 12866

Executive Order 12866, Regulatory Planning and Review, requires that all regulatory actions reflect consideration of the costs and benefits they generate, and that they meet certain standards, such as avoiding the imposition of unnecessary burdens on the affected public. If a regulatory action is deemed to fall within the scope of the definition of the term "significant regulatory action" contained in section 3(f) of the Order, review by the Office of Management and Budget's (OMB) Office of Information and Regulatory Affairs (OIRA) prior to publication is necessary. The OIRA reviewed this proposed rule under Executive Order 12866 and deemed it not significant.